

The Examiner is also respectfully requested to return copies of the following INFORMATION DISCLOSURE STATEMENT Forms and to indicate thereon that the cited publications were considered and made of record: Forms PTO/SB/08A and PTO/SB/08B filed on April 8, 2004; and Form PTO/SB/08A filed on June 30, 2004.

Restriction was required under 35 USC 121, as follows:

- Group I. Claims 1 to 49, drawn to a compound of formula I and the composition thereof;
- Group II. Claims 50 to 64, drawn to multiple methods of using the compound of Formula I;
- Group III. Claims 65, 66, 68 and 69, drawn to an intermediate compound of formula 53 and the process of making; and
- Group IV. Claim 67, drawn to the process of making the intermediate compound of formula 49.

It is respectfully submitted that claims 50 to 54, which are directed to compositions, should be included in Group I.

Applicants elect Group I (claims 1 to 54).

Applicants were further required to make a species election.

Applicants elect the compound of claim 41, namely  
5-(4-fluorophenyl)-3-(2-phenyl-1,2,3,5,6,8a-hexahydroinolizin-7-yl)-4-(pyridin-4-yl)pyrazole.

The Restriction Requirement concerning the election of a species is respectfully traversed on the ground that it is not a species requirement of the type set forth in the third paragraph of MPEP 803.02 entitled "PRACTICE RE MARKUSH TYPE CLAIMS." It is respectfully submitted that the practice set forth therein and in the decisions cited in MPEP 803.02 are the proper practice to be applied in the present case and, to the extent that the Restriction Requirement is not consistent therewith, it is respectfully traversed.

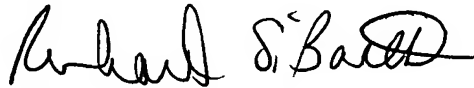
If, however, the Restriction Requirement is maintained, then, taking into consideration that there are generic claims, it is respectfully requested that the provisions of 37 CFR 1.141(a) and the procedure set forth in MPEP 806.04(d) be followed, which provide that once a claim is determined to be generic is allowed, all the claims drawn to species, in addition to the elected

species which include all the limitations of the generic claim, should be allowed.

Reconsideration is requested. Allowance is solicited.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

Respectfully submitted,



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RICHARD S. BARTH  
REG. NO. 28,180

FRISHAUF, HOLTZ, GOODMAN & CHICK, P.C.  
767 THIRD AVENUE - 25TH FLOOR  
NEW YORK, NEW YORK 10017-2023  
Tel. Nos. (212) 319-4900  
(212) 319-4551/Ext. 219  
Fax No. (212) 319-5101  
E-Mail Address: BARTH@FHGC-LAW.COM  
RSB/ddf